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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CARRIE FAUSEL,

Plaintiff,

Docket No.: 03-03-124

-against-

THE STOP & SHOP SUPERMARKET COMPANY, LLC.,

Defendant.  
-----X

COMPLAINT  
JURY TRIAL DEMANDED

U.S. DISTRICT COURT  
FILED  
APR -8 AM 10:01  
2008

Plaintiff CARRIE FAUSEL by her Attorneys BAILLY & McMILLAN LLP, as and for her Complaint against the Defendant, THE STOP & SHOP SUPERMARKET COMPANY, LLC., hereby states and alleges as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff CARRIE FAUSEL presently resides at 7 Greenridge Avenue, Apartment B8, White Plains, New York 10605.

2. At all times material hereto and upon information and belief, Defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC. (hereinafter referred to as "STOP & SHOP") was and is a foreign corporation authorized to do business in the State of New York with offices at 1385 Hancock Street, Quincy, Massachusetts 02169.

3. At all times material hereto and upon information and belief, Defendant STOP & SHOP was and is an unauthorized foreign corporation doing business in the State of New York with offices at 1385 Hancock Street, Quincy, Massachusetts 02169.

4. That the within claim for relief is based on diversity of citizenship of the parties.

5. The amount in controversy, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars, pursuant to 28 U.S.C.1332.

**AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF  
OF PLAINTIFF AGAINST THE DEFENDANT.**

6. At all times material hereto, upon information and belief, Defendant STOP & SHOP was and is the owner and operator of STOP & SHOP store Number 0593, located at 670 North Broadway, North White Plains, New York 10603 (hereinafter referred to as the "Premises").

7. Upon information and belief, Defendant STOP & SHOP was the owner and operator of the Premises on or about October 5, 2006.

8. At all times material hereto, Defendant STOP & SHOP hired

agents, successors, assigns, servants, and/or employees, to perform duties consistent with the duties of supervising and maintaining the Defendant's business at the Premises.

9. On or about October 6, 2006, Plaintiff CARRIE FAUSEL was lawfully present on the Premises.

10. At the aforesaid time and place, Plaintiff CARRIE FAUSEL sustained serious injuries when she slipped and fell, due to a dangerous and unsafe condition, consisting of a clear, wet, slippery substance on the floor of an aisle at the Premises.

11. Defendant had actual and/or constructive notice of the dangerous and unsafe condition of the Premises which caused Plaintiff CARRIE FAUSEL to slip and fall.

12. Defendant STOP & SHOP caused and created the dangerous and unsafe condition on the Premises.

13. Defendant posted no signs, warnings, or any other indicators present to warn Plaintiff of the possibility of any wet, slippery substance in any aisle at the Premises, or to signal to Plaintiff that a dangerous condition was present.

14. The defective and unsafe condition consisted of, among other things, creating and failing to clear the wet and slippery substance on the floor.

15. The aforesaid fall was caused solely by the negligence of the Defendants, their agents, servants, leasees and/or employees in the cleaning of the Premises.

16. As a result of the foregoing and negligence of the Defendant STOP & SHOP, Plaintiff CARRIE FAUSEL was caused to suffer serious and permanent personal injuries; she was caused to be sick, sore, lame and disabled; was confined to home and bed; was caused to sustain a loss of enjoyment of life; she became incapacitated from the duties of her occupation, sustaining wage and economic loss; has incurred, and will in the future continue to incur, expenses for the treatment of her injuries; she became obligated to expend monies for physicians' services and other medical care and treatment; has required, and in the future will require, additional medical care and treatment as a result of her personal injuries, all to her damage.

17. As a result of the foregoing and negligence of the Defendants, Plaintiff CARRIE FAUSEL has been damaged in the sum of Three Million Dollars (\$3,000,000.00).

**AS AND FOR A SECOND CAUSE OF ACTION**  
**AGAINST THE DEFENDANT**

18. Plaintiff CARRIE FAUSEL repeats, reiterates and realleges each and every allegation contained in Paragraphs "5" through "17" of this Complaint with the same force and effect as if fully set forth herein at length.

19. Defendant STOP & SHOP is under a duty to provide reasonable and adequate protection to the lives, health and safety of all persons who frequent their mercantile establishment.

20. This duty is imposed upon the Defendant under New York Labor Law § 376.

21. Defendant STOP & SHOP has violated New York Labor Law § 376 through their negligence and the negligence of their agents, successors, assigns, servants, and/or employees who created the dangerous condition that endangered the safety of Plaintiff CARRIE FAUSEL, and ultimately caused her serious personal injuries.

22. As a result of the foregoing and negligence of the Defendant STOP & SHOP, Plaintiff CARRIE FAUSEL was caused to suffer serious and permanent personal injuries; she was caused to be sick, sore, lame and disabled; was confined to home and bed; was caused

to sustain a loss of enjoyment of life; she became incapacitated from the duties of her occupation, sustaining wage and economic loss; has incurred, and will in the future continue to incur, expenses for the treatment of her injuries; she became obligated to expend monies for physicians' services and other medical care and treatment; has required, and in the future will require, additional medical care and treatment as a result of her personal injuries, all to her damage.

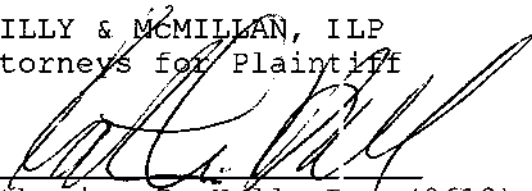
23. As a result of the foregoing and negligence of the Defendants, Plaintiff CARRIE FAUSEL has been damaged in the sum of Three Million Dollars (\$3,000,000.00).

**WHEREFORE**, Plaintiff CARRIE FAUSEL demands judgment as follows:

- a. A judgment against Defendant for the sum of Three Million Dollars (\$3,000,000.00) on the First Cause of Action;
- b. A judgment against Defendant for the sum of Three Million Dollars (\$3,000,000.00) on the Second Cause of Action; and
- c. Costs, disbursements, interests and attorneys' fees on all causes of action.

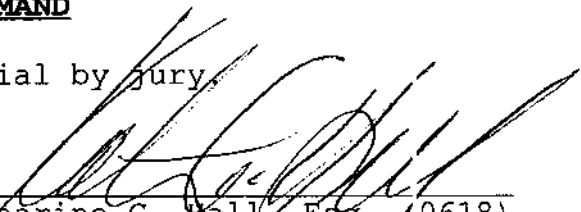
Dated: White Plains, New York  
March 26, 2008

BAILLY & McMILLAN, LLP  
Attorneys for Plaintiff

By:   
Katharine G. Hall, Esq. (0618)  
244 Westchester Avenue  
White Plains, NY 10604-2919  
(914) 684-9100

**JURY DEMAND**

Plaintiff hereby demands a trial by jury.

  
Katharine G. Hall, Esq. (0618)

**Defendant's Address:**

THE STOP & SHOP SUPERMARKET COMPANY, LLC.  
c/o Corporation Service Company  
80 State Street  
Albany, New York 12207-2543